

REMARKS

In the Office Action, the Examiner objected to the language in the Abstract of the above-identified application, together with the drawings. The Abstract has been amended to correct the noted language. Applicants have also attached hereto a corrected Figure 4. The Examiner further rejected the claims based on 35 U.S.C. § 112. Claims 3 and 4 have been amended to clarify the noted language.

The Examiner has also rejected Claims 1-7 based on the Ziffer (U. S. Patent No. 5,311,661). Applicants request reconsideration of the rejection in view of the amended claims. The Examiner argues that Ziffer discloses a heat exchanger tube 14 having at least two collapsed side wall portions. As the Examiner is aware, a finding of anticipation requires that each and every element of the claimed invention be present in the cited prior art reference. However, the claims of the present application are now directed to the heat exchanger assembly requiring: 1) an elongated generally cylindrical heat exchanger tube having collapsible and expandable side wall portions, and 2) integral one-piece return bends. In contrast to heat exchanger tubing disclosed in Ziffer does not disclose a tube that is readily collapsible and expandable. Rather, the tubing disclosed in Ziffer is deformed to a particular structure that it permanently retains. In addition, Ziffer does not disclose integral one-piece return bends. In particular, the heat exchanger disclosed in Ziffer is directed to heat exchanger tubes having an increased surface area as a result of deforming the tubes into various shapes. In contrast, the present invention is directed to a heat exchanger assembly using thin wall tubing and having integral return bends. This process is not disclosed or suggested in the Ziffer reference.

SUMMARY

The pending claims as amended are patentable. Applicants respectfully request the Examiner grant early allowance of this application. The Examiner is invited to contact the undersigned attorneys for the Applicants via telephone if such communication would expedite this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. F. Prendergast', is written over a horizontal line.

William F. Prendergast
Registration No. 34,699
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200